

Message Text

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ACTION DLOS-07

INFO OCT-01 AF-10 ISO-00 CG-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 CEQ-02 COA-02 COME-00 EB-11 EPA-04

IO-14 NSF-04 SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20

DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01 OIC-04 ARA-16

DRC-01 NEA-10 EUR-25 /256 W
----- 010814

R 221150Z APR 74

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC 8020

C O N F I D E N T I A L KHARTOUM 0855

E.O. 11652: GDS

TAGS: PBOR, SU

SUBJ: LOS

REF: A. STATE 067032; B. STATE 06788; C. SERIES DEPT AIRGRAMS
ON LOS ISSUES OF FEB AND MAR 74

1. EMBOFF CALLED APRIL 18 ON OMAR EL-SHEIKH, ACTING DIRECTOR
LEGAL AFFAIRS DEPT, MINFONAFFS, TO REVIEW STATUS GOS THINKING
LOS ISSUES AND RAISE POINTS RE USG HOPES SUBSTANTIAL PROGRESS
CARACAS SESSION AND COMPOSITION GOS DELEGATION THERETO (REFS
A AND B). EMBASSY HAD PREVIOUSLY TRANSMITTED NUMBER OF POSITION
PAPERS AND DRAFT ATRICLES (REF C) TO EL-SHEIKH'S DEPUTY WHO WAS
SCHEDULED ATTEND GROUP 77 MEETING NAIROBI. FOLLOWING MAIN
POINTS INTEREST ARISING FROM APRIL 18 CALL.

2. GOS SIMPLY DOES NOT HAVE RESOURCES (AND/OR INCLINATION)
FOLLOW LOS QUESTION CLOSELY AND IN DETAIL AND IS MOST UNLIKELY
TAKE LEAD OR PURSUE INDEPENDENT INITIATIVES DURING LOS
DISCUSSIONS. DESPITE EL-SHEIKH'S EXPERIENCE WITH LOS ISSUES
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(HE HAS ATTENDED THREE OUT OF LAST FOUR UN LOS COMMITTEE

SESSIONS), HE DOES NOT APPEAR BE UP-TO-DATE AND CLEARLY HAS TOO MANY OTHER RESPONSIBILITIES TO DEVOTE CONTINUING ATTENTION THIS MATTER. AS FOR HIS DEPUTY, HE IS WORKING ON SPECIAL PROJECT FOR MINISTER WHICH CAUSED HIM MISS NAIROBI MEETING (GOS WAS REPRESENTED BY ITS EMBASSY IN NAIROBI WHICH HAS NOT YET SUBMITTED REPORT ON RESULTS OF MEETING.)CHAIRMAN DEPT INTERNATIONAL LAW, FACULTY OF LAW, UNIVERSITY OF KHARTOUM, DR. FAISAL ABDEL RAHMAN, HAS TAKEN INTEREST IN SUBJECT AND REPRESENTED SUDAN AT RECENT ARAB LEAGUE MEETING ON LOS QUESTIONS BUT WAS NOT ASKED GO NAIROBI.

3. EL-SHEIKH NOW WORKING ON COMPOSITION CARACAS DELEGATION BUT WILL HAVE TO AWAIT RETURN FONMIN BEFORE DECISION TAKEN. HE EXPECTS IT MAY BE HEADED BY Y. FAISAL, COULD INCLUDE HIMSELF AND UNNAMED MEMBER OF SUDANESE UN MISSION NEW YORK CURRENTLY WORKING ON THESE ISSUES AS WELL AS REPS OTHER INTERESTED OFFICES WITHIN GOS--E.G. GEOLOGICAL SURVEY, NATIONAL COUNCIL FOR RESEARCH AND ATTORNEY GENERAL.

4. RE PROSPECTS FOR CARACAS SESSION, EMBOFF STRESSED OUR HOPE REAL NEGOTIATION PROGRESS WOULD BE MADE (REF A). EL-SHEIKH STATED PERSONALLY HE TOO HOPED FOR SUBSTANTIAL PROGRESS BUT WAS FRANKLY PESSIMISTIC. HE CITED EXPERIENCE AT RECENT CONFERENCE WHICH HE ATTENDED IN GENEVA DEALING WITH SOME AMENDMENTS TO DECLARATION OF HUMAN RIGHTS DURING WHICH, DESPITE EXTENSIVE PRIOR PREPARATIONS, MOST OF TIME WASTED IN PROCEDURAL WRANGLING AND OTHER NON-SUBSTANTIVE MATTERS. EL-SHEIKH AGREED THAT IN CASE LOS SUFFICIENT TIME HAD BEEN SPENT IN DISCUSSING ISSUES AND DEFINING POSITIONS AND IT SHOULD NOW BE POSSIBLE TO WORK TOWARD AGREEMENT, BUT HE HAS HIS DOUBTS.

5. RE SUBSTANTIVE ISSUES RAISED REF C, MINISTRY, AS NOTED, IS NOT UP-TO-DATE AND IN PARTICULAR LACKS INFO ON POSITIONS DEVELOPED BY GROUP 77 IN NAIROBI. EL-SHEIKH AGREED TO READ US POSITION PAPERS AND WE ARE ALSO FORWARDING SET TO DR. FAISAL WITH HOPE FOR MORE INFORMED DISCUSSION WITH BOTH MEN SOMETIME NEXT MONTH. IN BRIEF REVIEW OF SOME KEY ISSUES EL-SHEIKH DID MAKE FOLLOWING POINTS: ((1) RE STRAITS, GOS SEEMS BE FIRING UP
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IN FAVOR OF INNOCENT PASSAGE ALTHOUGH PERHAPS WITH SOME REFINEMENTS. (THIS NOT SURPRISING PARTICULARLY IN VIEW IMPROVED RELATIONS WITH EGYPT--EL-SHEIKH NOTED IN PARTICULAR NEED MAKE DISTINCTION BETWEEN WAR AND PEACE SITUATIONS AND ULTIMATE NEED STRAITS STATES RETAIN THEIR "SOVEREIGNTY" OVER THESE AREAS; (B) COASTAL SEABED RESOURCES--WITH LIKELY EXCEPTION FISHERIES ISSUE (IS BACKGROUND AIRGRAM ON THIS ISSUE TO BE ANTICIPATED?), GOS PROBABLY SYMPATHETIC TO SOLUTION CONSISTENT WITH OUR POSITION

--I.E., BROAD COASTAL STATE JURISDICTION--THOUGH DETAILS
COULD, OF COURSE, PRODUCE DISAGREEMENTS; (C) COMPULSORY DISPUTE
SETTLEMENT--GOS HAS NOT FOCUSED ON ISSUE AND WILL REVIEW USG
POSITION. EL-SHEIKH EXPRESSED VIEW IT MIGHT BE TIED QUESTION
PROVISIONAL APPLICATION ABOUT WHICH GOS STILL HAD SOME DOUBTS.

6. COMMENT: EMBASSY WILL, OF COURSE, CONTINUE MAKE POINTS
WITH RESPONSIBLE SUDANESE OFFICIALS REGARDING US POSITIONS ON
LOS. WE LIKEWISE CONTINUE BELIEVE, AS PREVIOUSLY REPORTED,
THAT US DEL WILL FIND GOS DELEGATION EASILY APPROACHABLE FOR
DISCUSSIONS OF SPECIFIC ISSUES. BUT LITTLE LIKELIHOOD SUDANESE
TAKING INDEPENDENT POSITIONS OR BEING AGGRESSIVE IN TRYING SHAPE
VIEWS VARIOUS REGIONAL GROUPS. EVEN IF GOS COME UP WITH
SUBSTANTIAL (FOR SUDAN), BROAD-BASED DELEGATION SUCH AS EL-
SHEIKH PROPOSING, ITS MEMBERS UNLIKELY DEVIATE FROM OAU/
GROUP/77/ARAB LEAGUE PATH. NOT ONLY IS IT GOS POLICY GO
ALONG WITH SUCH GROUP POSITIONS SO LONG AS DIRECT NATIONAL
INTERESTS NOT ADVERSELY AFFECTED, BUT, LACKING EXPERTISE AND
EXPERIENCE IN LOS MATTERS, DEVELOPMENT INDEPENDENT GOS POSITIONS
WOULD BE DIFFICULT.
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